

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA

v.

GREGORY B. CRAIG,

Defendant.

Case No. 1:19-cr-0125 (ABJ)

NOTICE

Pursuant to the Court's April 19, 2019 Scheduling Order, ECF No. 11, Defendant Gregory B. Craig hereby notifies the Court as follows:

1. On April 25, 2019, counsel for Mr. Craig and the government reached an agreement with respect to certain evidence to be presented at trial. The terms of that agreement are set forth in the attached Exhibit A (the "Letter Agreement"), which has been redacted to remove the names of the referenced witnesses.

2. In light of the commitments set forth in the Letter Agreement, Mr. Craig does not intend to file a motion in limine to exclude any testimony or other evidence that was the subject of the litigation on the attorney-client privilege issues that were addressed by Chief Judge Howell, as referenced in this Court's Scheduling Order dated April 17, 2019.

3. Pursuant to the Scheduling Order, the parties intend to deliver to the Court today copies of the sealed pleadings that were submitted in the pre-indictment litigation before the Chief Judge. If the Court no longer wishes to receive those filings in chambers, based on the matters addressed in paragraphs 1 and 2 above, we ask that the Court please inform the parties. Otherwise, the pleadings, including full copies of certain pleadings that have not been received by the government in unredacted form, will be delivered to chambers by 4:00 p.m. today.

Counsel seek guidance as well concerning whether the Court requests delivery in chambers of Chief Judge Howell's Memorandum Opinion (filed under seal), and the sealed transcripts of the two hearings from the pre-indictment litigation.

Dated: April 26, 2019

Respectfully submitted,

/s/ William J. Murphy

William W. Taylor, III (D.C. Bar No. 84194)
Ezra B. Marcus (D.C. Bar No. 252685)
ZUCKERMAN SPAEDER LLP
1800 M Street N.W. Suite 1000
Washington, D.C. 20036
Tel: (202) 778-1800
Fax: (202) 822-8106
Email: wtaylor@zuckerman.com
Email: emarcus@zuckerman.com

William J. Murphy (D.C. Bar No. 350371)
Adam B. Abelson (D.C. Bar No. 1011291)
ZUCKERMAN SPAEDER LLP
100 East Pratt Street, Suite 2440
Baltimore, MD 21202
Tel: (410) 332-0444
Fax: (410) 659-0436
Email: wmurphy@zuckerman.com
Email: aabelson@zuckerman.com

Attorneys for Defendant Gregory B. Craig

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on April 26, 2019, the foregoing Notice was served on counsel of record via the Court's CM/ECF Service.

/s/ Adam B. Abelson
Adam B. Abelson



U.S. Department of Justice

Jessie K. Liu
United States Attorney

District of Columbia

*Judiciary Center
555 Fourth St., N.W.
Washington, D.C. 20530*

April 25, 2019

Via Email

William W. Taylor, III
William J. Murphy
Zuckerman Spaeder LLP
1800 M Street NW, Suite 1000, North Tower
Washington, DC 20036-5807

Re: *United States v. Gregory B. Craig*, 19-cr-00125 (ABJ)

Dear Counsel:

We are writing to memorialize the agreement we have reached regarding the potential testimony of [REDACTED] at trial. If you agree to these conditions, please execute this document in the space provided below.

First, with respect to the potential expected testimony of [REDACTED], as generally reflected in their grand jury transcripts, the government will limit its questioning of these two fact witnesses to the time period on or before January 16, 2014. Similarly, we will not elicit testimony from [REDACTED] regarding any communications they had with Mr. Craig after January 16, 2014. We understand that, in turn, you will not seek to cross-examine [REDACTED] about evidence or testimony of or concerning events that occurred after January 16, 2014, or any communications they had with Mr. Craig after January 16, 2014.

More broadly, the government will not seek to introduce testimony or evidence of or concerning a) the Settlement Agreement ("the Settlement") dated January 15, 2019, between Skadden, Arps, Slate, Meagher and Flom, LLP ("Skadden") and the National Security Division of the United States Department of Justice; or b) any of the retroactive Foreign Agents Registration Act filings related to the Skadden Report on the trial of Yulia Tymoshenko, including the January 18, 2019 filing by Skadden and any short-form registration filings by current or former Skadden personnel, including any reference to the existence of such filings ("Skadden FARA filings"). We understand that, in turn, you will not seek to introduce or elicit through cross-examination or testimony any evidence of or concerning the Settlement Agreement, the Skadden FARA filings, or make arguments regarding the absence of evidence regarding these issues.

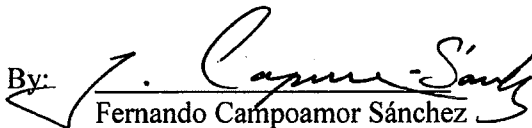
We believe that, based on this agreement, neither the Settlement Agreement nor the Skadden FARA filings will be raised by either party in any way during Mr. Craig's trial. However,

each party reserves the right to ask the Court for permission to introduce this evidence in rebuttal and/or in response to any argument or evidence offered by the other party that makes it relevant to the jury's determination of the charges.

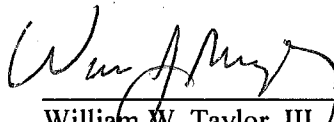
If you have any questions, please do not hesitate to contact us.

Sincerely,

JESSIE K. LIU
United States Attorney

By: 
Fernando Campoamor Sánchez
Molly Gaston
Assistant United States Attorneys
Jason B.A. McCullough
Trial Attorney, National Security Division

ATTORNEY'S ACKNOWLEDGEMENT


William W. Taylor, III
William J. Murphy
Adam B. Abelson
Ezra B. Marcus
Attorneys for Gregory B. Craig